

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 16, 2005 at 8:00 A.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Duane Grimes (R)  
Sen. Dave Lewis (R)  
Sen. Glenn Roush (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:**

Sen. Jon Tester (D)

**Members Absent:** None.

**Staff Present:** Annie Glover, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 439, 2/11/2005; SB 411,  
2/11/2005; SB 388, 2/11/2005; SB  
349, 2/11/2005; SB 412, 2/11/2005  
Executive Action: SB 411, SB 192

00:00:01

**HEARING ON SB 439**

**Opening Statement by Sponsor:**

**SEN. KELLY GEBHARDT (R), SD 23**, opened the hearing on **SB 439**, Participation by certain employers in firefighters' unified retirement system.

**Proponents' Testimony:**

00:01:23       **Mr. Curt Belts, Assistant Fire Chief, Missoula Rural Fire District**  
00:04:43       **Mr. Pat Clinch, Montana State Council of Professional Firefighters**  
00:05:54       **Chief Brett Waters, Belgrade Rural Fire District**  
00:07:48       **Mr. Kelly Jenkins, Public Employees Retirement Board**

**EXHIBIT**(bus38a01)

00:11:28       **Mr. Bob Frye, Volunteer Chief, Rural Fire District 1**  
00:11:55       **Mr. Roger Hagan, Great Falls Airport Firefighters**  
00:12:32       **Mr. John Semple, Montana Fire Alliance**  
00:12:50       **Mr. Peter Giardino, Firefighter**  
00:13:09       **Mr. Doug Neil, Firefighter**

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:14:13

**Questions from Committee Members and Responses:**

**EXHIBIT**(bus38a02)

00:22:55

**Closing by Sponsor:**

00:25:41

**HEARING ON SB 411**

**Opening Statement by Sponsor:**

**SEN. BOB KEENAN (R), SD 5**, opened the hearing on **SB 411**, Relocation and reimbursement for outdoor advertising.

**Proponents' Testimony:**

00:27:06            Mr. Myron Laible, Outdoor Advertising Association  
                         of America

**EXHIBIT**(bus38a03)

00:29:29            Mr. Paul Dennehy, General Manager, Lamar Outdoor  
                         Advertising

00:32:20            Ms. Peggy Grimes, Executive Director, Montana Food  
                         Bank Network

00:33:29            Mr. Steve Schell, Montana Signworks

00:34:31            Mr. Joe Spieker, Spieker Sprinklers

00:35:49            Mr. Stuart Doggett, Montana Innkeepers Association

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:36:35

**Questions from Committee Members and Responses:**

00:38:00

**Closing by Sponsor:**

00:38:41

**HEARING ON SB 388**

**Opening Statement by Sponsor:**

SEN. BOB KEENAN (R), SD 5, opened the hearing on SB 388, Restrict insurer from steering customer to certain auto repair shops.

**Proponents' Testimony:**

00:41:39            REP. JON SONJU, HD 7, KALISPELL

00:45:52            Mr. Gene Dziza, Auto Body Shop Owner

**EXHIBIT**(bus38a04)

00:50:27            Mr. John Morrison, State Auditor, Insurance  
                         Commissioner

00:55:23            Mr. Mark Pollock, Owner, Blue Ribbon Auto Body

01:01:06            Mr. Dar Riggert, Action Auto Body

01:01:58            Mr. Keith Koch, Owner, Jack's Auto Body

01:04:18            Mr. Max Yates, Yates Body Shop, President, Montana  
                         Collision Repair Association

01:05:31            Mr. Mark Brody, Ron's Auto Refinisher's

01:05:55           Dusti Dziza, Auto Body Shop Owner  
01:07:10           Mr. Shawn Basolo, Owner, Basolo Auto Body

**Opponents' Testimony:**

01:08:05           Mr. Jon Metropoulos, Farmer's Insurance Group  
01:11:14           Mr. Greg Van Horssen, State Farm Insurance  
                    Company, and on behalf of Ms. Jacqueline Lenmark,  
                    American Insurance Association  
01:16:37           Mr. Larry Kibbee, Property Casualty Insurers of  
                    America

01:19:13

**Informational Testimony:** None.

01:19:38

**Questions from Committee Members and Responses:**

Ms. Barb Van der Mars, Compliance Specialist, State Auditor's  
Office

Mr. Dwight Eastman, Farmer's Insurance Company

**EXHIBIT**(bus38a05)

01:52:31

**Closing by Sponsor:**

01:53:34           Break  
02:11:33           Resume

02:11:44

**HEARING ON SB 349**

**Opening Statement by Sponsor:**

**SEN. VICKI COCCHIARELLA (D)**, SD 47, opened the hearing on **SB 349**,  
Require insurer not designate rental company and direct pay for  
rental cars.

**EXHIBIT**(bus38a06)

**Proponents' Testimony:**

02:16:20           Mr. Jay Robison, Dollar Rent-a-Car  
02:20:07           Mr. Andy Wilcox, Alanon National Car Rental  
02:21:08           Mr. Mike Lucero, Hertz Rental Car  
02:21:30           Mr. Gene Dziza, Auto Body Shop Owner

02:23:16           **Mr. Mark Tellvik, Hertz Rental Car**  
02:23:38           **Mr. Joe Taylor, Dollar Rent-a-Car**  
02:27:33           **Ms. Candace Payne, Montana Rental Car Association**

**Opponents' Testimony:**

02:27:59           **Ms. Jacqueline Lenmark, American Insurance**  
                      **Association, and on behalf of Mr. Jon Metropoulos,**  
                      **Farmer's Insurance Group**  
02:33:41           **Mr. Rob Ward, Vice President, Enterprise**  
02:38:13           **Mr. Larry Kibbee, Property Casualty Insurance**  
                      **Association of America**  
02:41:04           **Mr. Greg Van Horssen, State Farm**

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

02:42:45

**Closing by Sponsor:**

02:49:52

**HEARING ON SB 412**

**Opening Statement by Sponsor:**

**SEN. VICKI COCCHIARELLA (D), SD 47,** opened the hearing on **SB 412,**  
Provide for regulation of elevator contractors, mechanics, and  
inspectors.

**Proponents' Testimony:**

02:50:19           **Mr. Dennis Martin, Kone Elevator Company**  
02:53:31           **Mr. Ron Driver, Kone Elevator Company**  
02:55:35           **Ms. Jacqueline Lenmark, American Insurance**  
                      **Association**  
02:56:42           **Mr. Charlie Val, International Union of Elevator**  
                      **Constructors**

**EXHIBIT** (bus38a07)

**EXHIBIT** (bus38a08)

03:02:30           **Mr. Greg Rogers, Elevator Industry Work**  
                      **Preservation Fund, National Association of**  
                      **Vertical Transportation**

**EXHIBIT** (bus38a09)

03:07:39            Mr. Bill Beam, Retired Elevator State Inspector  
03:11:48            Ms. Patricia Cregan, Elevator Mechanic

Opponents' Testimony: None.

Informational Testimony:

03:09:30            Mr. Jim Brown, Business Standards Division,  
                      Department of Labor and Industry

03:10:31

Questions from Committee Members and Responses:

03:17:27

Closing by Sponsor:

03:20:52

EXECUTIVE ACTION ON SB 411

Motion: SEN. TROPILA moved that SB 411 DO PASS.

Discussion:

Vote: Motion carried unanimously by voice vote.  
SEN. COCCHIARELLA proxied for SEN. TESTER.

03:22:39

EXECUTIVE ACTION ON SB 192

Discussion:

EXHIBIT(bus38a10)

Motion: SEN. LEWIS moved that SB 192 DO PASS.

Motion: SEN. LEWIS moved that SB 192 BE AMENDED WITH  
SB019201.APM.

Discussion:

Vote: Motion carried 10-1 by voice vote with SEN. SMITH voting  
no.

Motion/Vote: SEN. LEWIS moved that SB 192 DO PASS AS AMENDED.  
Motion failed 5-6 by roll call vote with SEN. BALYEAT, SEN.  
GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN. TASH voting aye.

Motion/Vote: SEN. COCCHIARELLA moved that SB 192 BE TABLED AND  
THE VOTE REVERSED. Motion carried 6-5 by voice vote with SEN.

**BALYEAT, SEN. GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN.**

**TASH voting no.**

**SEN. COCCHIARELLA** proxied for **SEN. TESTER.**

**ADJOURNMENT**

Adjournment: 11:40 P.M.

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SEN. VICKI COCCHIARELLA, Chairman

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ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

**EXHIBIT ([bus38aad0.PDF](#))**